



1 HOUSE JOINT RESOLUTION 39

2 WHEREAS, In 1993, Public Act 88-496 established the Leaking
3 Underground Storage Tank (LUST) program; and

4 WHEREAS, The purpose of the LUST program is, in accordance
5 with the requirements of the Federal Hazardous and Solid Waste
6 Amendments of 1984 of the Resource Conservation and Recovery
7 Act of 1976 and in accordance with the State's interest to
8 protect the environment, to establish procedures for the
9 remediation of environmental contamination caused by leaking
10 underground storage tanks; to oversee and review any required
11 remediation of sites containing those tanks; to establish an
12 Underground Storage Tank Fund to satisfy the financial
13 responsibility requirements imposed by federal and State laws
14 and regulations; and to establish procedures for persons
15 eligible to seek payment from the Fund for costs associated
16 with remediation; and

17 WHEREAS, Illinois motor fuel taxes and environmental
18 impact fees have financed the Fund; and

19 WHEREAS, Over the course of its operation, the Fund has
20 paid over \$1 billion for eligible environmental clean-ups; and

21 WHEREAS, During this period, the Fund has twice experienced

1 funding shortages, the current shortage requiring applicants
2 for reimbursement to wait up to 18 months for payment; and

3 WHEREAS, There is currently a backlog of unpaid claims
4 totaling \$62 million; and

5 WHEREAS, If the Fund is not solvent, Illinois tank owners
6 and operators will be forced to find more costly methods to
7 satisfy their financial responsibility obligations under
8 federal and State laws and regulations; and

9 WHEREAS, The Illinois Environmental Protection Agency
10 estimates under the current system a future liability of \$864
11 million to clean up projected 6500 leaking underground storage
12 tank sites in Illinois over the next 20 years; and

13 WHEREAS, Under the current system, the existing funding
14 sources will not be sufficient to keep up with the costs; and

15 WHEREAS, The cost of an average leaking underground storage
16 tank site where costs are reimbursed from the Fund is
17 significantly higher than in other states; and

18 WHEREAS, Current law does not contain adequate methods for
19 monitoring and controlling costs at leaking underground
20 storage tank sites where costs are reimbursed from the Fund;

1 and

2 WHEREAS, The General Assembly finds that it is necessary to
3 form a Task Force to study the significant problems that the
4 Fund currently faces; therefore, be it

5 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
6 NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
7 SENATE CONCURRING HEREIN, that there is created an Underground
8 Storage Tank Task Force to study the significant problems that
9 the Underground Storage Tank Fund faces and to suggest a new
10 approach to determine how moneys in the Fund will be used to
11 pay for corrective action costs in addressing petroleum
12 releases at sites and to study ways to monitor and control the
13 costs of clean-up of leaking underground storage tank sites;
14 and be it further

15 RESOLVED, That the Task Force shall consist of 11 members
16 appointed as follows:

17 (1) One person appointed by the Speaker of the House,
18 who shall serve as cochairman of the Task Force;

19 (2) One person appointed by the Minority Leader of the
20 House;

21 (3) One person appointed by the President of the
22 Senate, who shall serve as cochairman of the Task Force;

23 (4) One person appointed by the Minority Leader of the

1 Senate;

2 (5) The Director of the Illinois Environmental
3 Protection Agency, or his or her representative;

4 (6) One person representing the Office of the State
5 Fire Marshall;

6 (7) One person, designated by the President of a
7 petroleum marketers' association in Illinois;

8 (8) One person, designated by the Director of the
9 Illinois Environmental Protection Agency, of a petroleum
10 council in Illinois;

11 (9) One person, designated by the Director of the
12 Illinois Environmental Protection Agency, of an
13 association of petroleum and environmental engineers in
14 Illinois;

15 (10) One person, designated by the Director of the
16 Illinois Environmental Protection Agency, of an
17 association of convenience stores in Illinois;

18 (11) One person, designated by the Director of the
19 Illinois Environmental Protection Agency, of a council of
20 engineering companies in Illinois; and be it further

21 RESOLVED, That the approaches studied by the Task Force
22 shall include, but shall not be limited to, the following:

23 (1) In order to prevent the recurrence of a backlog of
24 unpaid claims, requiring that the total costs approved for
25 reimbursement from the Fund not exceed the monies in the

1 Fund available to pay the costs;

2 (2) Requiring that costs reimbursed from the Fund be
3 minimized to the greatest extent practicable, including,
4 but not limited to, utilization of the Illinois Pollution
5 Control Board's risk-based corrective action rules to the
6 greatest extent practicable;

7 (3) Requiring that costs that will be reimbursed from
8 the Fund be pre-approved by the State before they are
9 incurred;

10 (4) Prioritizing approvals of costs that will be
11 reimbursed from the Fund so that (1) sites posing a greater
12 threat to human health and the environment receive higher
13 priority than sites posing a lesser threat to human health
14 and the environment, and (2) sites with operating
15 underground storage tanks at the time of the release
16 receive higher priority than sites without operating
17 underground storage tanks at the time of the release;

18 (5) Competitive bidding of costs that will be
19 reimbursed from the Fund, with such bidding including, but
20 not being limited to, public notice of bid proposals; and
21 be it further

22 RESOLVED, That the Illinois Environmental Protection
23 Agency shall provide staff and support for the Task Force; and
24 be it further

1 RESOLVED, That the members of the Task Force shall receive
2 no compensation for serving as members of the Task Force; and
3 be it further

4 RESOLVED, That the Task Force shall make its
5 recommendations on proposed solutions to the significant
6 problems facing the Leaking Underground Storage Tank Program
7 and Fund and shall submit a report of its findings to the
8 Governor and the General Assembly by December 31, 2009.